

CORBALLY, GARTLAND AND RAPPLEYEA, LLP **Hearing Date: June 4, 2019**
Attorneys for Rhinebeck Bank **Hearing Time: 11:00 A.M.**
35 Market Street
Poughkeepsie, New York 12601
(845) 454-1110
Patrick T. Gartland (PG0688)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

Case No. 19-35795(cgm)

Chapter 11

G&D Leasing, Inc.,

Debtor.

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**NOTICE OF HEARING OF MOTION OF BANK OF MILLBROOK
FOR AN ORDER TERMINATING THE AUTOMATIC STAY AND FOR SANCTIONS**

PLEASE TAKE NOTICE, that upon the annexed motion (hereinafter the “Motion”) of RHINEBECK BANK, by and through its attorneys, Corbally, Gartland and Rappleyea, LLP, will move this Court before the Honorable Cecelia G. Morris, in her courtroom located at the United States Bankruptcy Court for the Southern District of New York, 355 Main Street, Poughkeepsie, NY 12601 at 11:00 a.m. on June 4, 2019, or as soon as counsel may be heard (hereinafter the “Hearing”) for the entry of an Order pursuant to Fed. R. Bankr. P. §§ 9011, 28 U.S.C.S. § 1927 and 11 U.S.C.S. § 105:

(1) clarifying that this Court’s existing November 6, 2018 Order (“Existing Order”) granted Rhinebeck Bank relief from the automatic stay with respect to the real property commonly known as 115-121 Main Street, New Paltz, New York and all personal property subject to the Mortgage (collectively, the “Property”) and is still in effect,

(2) lifting the automatic stay imposed on April 10, 2019, if this Court determines the Existing Order is no longer in effect pursuant to 11 U.S.C.S. §§362(d)(1),

(3) Restraining Debtor, G & D Leasing, LLC (“Debtor”), First Debtor, 119 Main Street, LLC (“First Debtor”), and their respective Managing Members, Mr. Dino Toscani and Ms. Georgina Tufano (“Mr. Toscani” and “Ms. Tufano”), their affiliates and assigns, from further bankruptcy filings and/or requesting further stays of the foreclosure sale in the Ulster County

Supreme Court action, Index Number 2016-1296 in U.S District Bankruptcy Court (the “Foreclosure Action”), and from further transferring the Property,

(4) sanctioning Debtor, First Debtor, and their respective Managing Members, Mr. Toscani and Ms. Tufano, for acting in bad faith and attempting to mislead the Court, including, without limitation, by filing the present case, pursuant to 28 U.S.C.S. § 1927 and 11 U.S.C.S. § 105, and

(5) granting such other relief as the Court deems proper.

PLEASE TAKE FURTHER NOTICE, that any responses or objections to the Motion must: (a) be in writing; (b) shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of Bankruptcy Court for the Southern District of New York; (c) shall be filed with the Bankruptcy Court electronically in accordance with General Order M-242 and Supplemental General Order M-269; (d) be submitted in hard-copy form directly to the chambers of the Honorable Cecelia G. Morris, United States Bankruptcy Judge; and (e) be served upon (i) Corbally, Gartland and Rappleyea, LLP, 35 Market Street, Poughkeepsie, NY 12601 and (ii) the Office of the United States Trustee for the Southern District of New York, 11A Clinton Avenue, Room 620, Albany, New York 12207 in each case so as to be received not later than seven (7) days before the Hearing **or within any time specified by the Court within any subsequent Order to Show Cause.**

PLEASE TAKE FURTHER NOTICE that if no objections to the Motion are timely filed and served in accordance with the procedures set forth herein or in accordance with the Proposed Order to Show Cause, the Bankruptcy Court may enter an order granting the Motion without further notice.

Dated: Poughkeepsie, New York
May 22, 2019

Yours etc.

CORBALLY, GARTLAND AND RAPPLEYEA, LLP

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TO: United States Bankruptcy Court
Southern District of New York
355 Main Street
Poughkeepsie, New York 12601
(Via ECF only)

G & D Leasing, Inc.
117 Main Street, Suite 6
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(Via ECF and mail)

U.S. Trustee
United States Trustee
Office of the United States Trustee
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